

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                          |   |                                    |
|--------------------------|---|------------------------------------|
| LAWRENCE DEVENSHIRE SR., | ) | 2:15cv1026                         |
|                          | ) | Electronic Mail                    |
| Plaintiff,               | ) |                                    |
|                          | ) | Judge David Stewart Cercone        |
| vs.                      | ) | Magistrate Judge Lisa Pupo Lenihan |
|                          | ) |                                    |
| C. GUS KWIDIS and BEAVER | ) |                                    |
| COURT HOUSE              | ) |                                    |
|                          | ) | ECF Nos. 13, 17                    |
| Defendants.              | ) |                                    |

**MEMORANDUM ORDER**

This civil action was commenced on August 6, 2015 by the filing of a Motion for Leave to Proceed *in forma pauperis* (ECF No.1). The case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D. The magistrate judge initially denied the IFP motion, but after Plaintiff cured the defects, she granted the motion and ordered the clerk of court to file the Complaint. See ECF Nos. 2, 3, and 4. The Clerk of Court docketed the Complaint (ECF No. 5) on September 1, 2015.

The Magistrate Judge's Report and Recommendation (ECF No. 17), filed on June 28, 2016, recommended that the Motion to Dismiss (ECF No. 13) filed by Defendants be granted. Service was made on Plaintiff via first class mail to his address of record; service was made on all counsel of record via CM/ECF electronic mail. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had

fourteen (14) days to file any objections. No objections have been filed to the Report and Recommendation.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

**AND NOW**, this 27th day of July, 2016,

**IT IS HEREBY ORDERED** that the Motion to Dismiss (ECF No. 13) filed by Defendants, The Honorable C. Gus Kwidis and Beaver County Courthouse, under Rules 12(b)(1) and 12(b)(6), is **GRANTED**, and the Complaint is **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 17) of Magistrate Judge Lenihan, dated June 28, 2016, is adopted as the opinion of the Court.

s/ DAVID STEWART CERCON  
David Stewart Cercone  
United States District Judge

cc: Lawrence Devenshire Sr.  
145 Orchard Street  
Aliquippa, PA 15001  
(Via First Class Mail)

Caroline Liebenguth, Esquire  
(Via CM/ECF Electronic Mail)